

CONFIDENTIAL

21 OCT 1957

MEMORANDUM FOR: General Counsel

SUBJECT: Request for Opinion

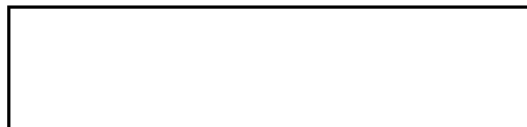
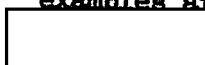
1. It has been the practice of Foreign Documents Division to keep the classification of its reports as low as is consistent with good security practice. Where possible FDD has used devices which will allow wide circulation of information from unclassified material to U. S. industrial, academic and scientific sources for the cumulative benefit intelligence can reap from the aggregate thinking of well-informed specialists. Examples of this practice are as follows:

a. Some internal reports derived entirely from open publications are published under the cover control "For Official Use Only." These carry the notice that when the CIA cover is removed the body of the report is unclassified.

b. Other reports are classified overall but carry the notice that individual items not marked classified when removed from the report are unclassified.



2. I will appreciate your opinion as to whether any of these examples are inconsistent with the spirit or letter of CIA Regulation or any other government regulation.



GEORGE G. CAREY
Assistant Director for Operations

CONFIDENTIAL

Dec 13 1957

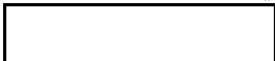
Honorable James R. Durfee
Chairman, Civil Aeronautics
Board
Washington 25, D. C.

Dear Mr. Durfee:

In your letter of December 3 you requested a blanket clearance of all communications between this Agency and the Civil Aeronautics Board in order to comply with the desires of the Special Subcommittee on Legislative Oversight.

Insofar as any communications might be classified because of the security requirements of this Agency, I would be unable to give such a blanket clearance in view of my responsibilities for the protection of intelligence sources and methods. However, a survey indicates that the lack of such a clearance should cause no practical difficulty as there has been little direct correspondence between this Agency and the Board.

If in your dealings with the Subcommittee classified documents relating to this Agency or its activities should appear we would be glad to give the matter expeditious handling. In such event, or if you or your staff have any questions, please call Mr. John S. Warner, Legislative Counsel, code 143.

25X1


Sincerely,

s/

OGC:LRH:jeb

cc: DCI

DDCI

ER

DD/S

Legislative Counsel w/basic

General Counsel *Sub: Sec. 3*

Allen W. Dulles

Director

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Executive Officer, SSU

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ATTN :

Chief, Personnel Security Division, OS

Release of Booklet Entitled "Picks, Clicks, Flaps and Seals"
to the Library of Congress.

1. Reference is made to your recent request for security permission to the release of a copy of the booklet "Picks, Clicks, Flaps and Seals" to the Library of Congress.

2. This is to advise that there is no security objection to the release of a copy of this booklet to the Library of Congress provided its availability at the Library of Congress is restricted to persons of unquestioned integrity who have a legitimate right to the information set forth in the volume.

3. It is requested that an appropriate receipt be secured from the Library of Congress to cover the book and to acknowledge the restrictions placed upon the accessibility of the book.

FOR THE DIRECTOR OF SECURITY:

25X1

CONCURRENCE:

25X1

LAWRENCE R. HOUSTON
GENERAL COUNSEL

Distribution:

Orig. & 1 - Addressee

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THE LEGAL ADVISER
DEPARTMENT OF STATE
WASHINGTON

November 16, 1957

Dear Larry:

Thank you very much for your letter dated November 14, 1957, with attached unclassified brochure entitled "Withholding Information From Courts or Congress." It is an extremely useful paper and if they are available, I would appreciate an additional three or four copies.

I am having this studied in detail to see whether or not our people can make some helpful suggestions.

With best personal regards.

Sincerely,



Loftus Becker

Lawrence R. Houston, Esq.
General Counsel,
Central Intelligence Agency,
2430 E Street, N. W.,
Washington, D. C.

*Hearings first
11/20/57
JEB*

23 October 1957

MEMORANDUM FOR THE DIRECTOR:

1. This memorandum is for information only.
2. In the hearings before the Moss Committee, (Subcommittee of the Committee on Government Operations, House of Representatives) following a discussion as to whether the Chief Executive could deny information to the Congress, the following occurs which presumably refers to the Central Intelligence Agency:

UNIFICATION ACT

MR. HOFFMAN: In the hearings on the Unification Act in 1947 didn't the Congress itself, through a committee, create an agency and provide there that it did not need to tell the Congress or the Appropriations Committee what money was spent by it, nor how, nor to whom, nor for what purpose?

MR. DECHERT: That is right, sir, and there have been various other examples where the Congress by statutes --

MR. MOSS: The Congress created the agency, said it did not have to give the information even to the Congress. The Congress could just as easily say in creating an agency that you must give all information to the Congress, could it not?

MR. DECHERT: I was going to go on to say that the example of Congressman Hoffman was one of a number of examples where Congress, itself, has indicated certain things must not be given out: income-tax information, credit information, things of that kind.

But differing with you, Mr. Chairman, I say that the fact Congress in some instances says that that shall not be given out is not proof that in all cases Congress has the right to obtain it. The fact is that this small area which has caused controversy from the time of Benjamin Franklin and George Washington until

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now -- the small area where information is not given out -- owes its existence to the Constitution of the United States, as evidenced by these debates, which I could go into at greater length, and by the entire history of the United States since then.

MR. MOSS: Mr. Fascell.

MR. FASCELL: Mr. Dechert, you have in stating this proposition done the exact converse of what you relied on as your own theory, which is in reciting the history of this problem that Congress had acquiesced time and time again on the requests and refusals for the information.

Now, this, according to your theory, and if I am wrong, you correct me, sets a precedent, does it not? And, furthermore, you would bet your bottom dollar that if the case ever got into court, you would cite these precedents and probably have better than a 60-40 chance of the court supporting that precedent. Wouldn't you adopt that theory?

MR. DECHERT: I am not sure I understand. What I tried to bring out was that this was basic concept -- which is different from what the chairman indicated a minute ago -- owes its existence to the Constitution. It has been laid out in constitutional writing from the very beginning. And I did indicate that in all the questions where the issue has arisen between the Executive and the Congress, from George Washington to Herbert Hoover, to Franklin Roosevelt, to Harry Truman, whenever the issue has arisen, the Congress has not finally pressed the matter.

MR. FASCELL: I will use your own logic, then, and say this doesn't necessarily say anything. Didn't you just state that the fact that Congress has enacted laws, in which laws they have given the right to withhold information, does not necessarily presuppose the existence in the right of Congress for all of the information?

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Did you say that or not?

MR. DECHERT: No, sir.

MR. FASCELL: Then you tell me what you did say.

MR. DECHERT: What I tried to say, at least, was that the final authority in this small area of refusal lies in the Constitution of the United States, in the separation clause, and I will be glad to read some elements of that if you want.

MR. MOSS: Mr. Dechart, what you are saying here, in effect, is that the final authority on any question arising between the Congress and the Executive is the Executive?

MR. DECHERT: No, sir.

SIGNED

[Redacted Signature]

Assistant to the Director

ILLEGAL

cc:

✓
Gen. Counsel
Legis. Counsel

Professor Frank H. Jonas
Department of Political Science
University of Utah
Salt Lake City, Utah

Dear Dr. Jonas:

In Mr. Walter L. Pforzheimer's absence your letter to him of October 2 has just been referred to me for reply. Your letter must have crossed our letter from [redacted] responding to the inquiry you sent Mr. Dulles.

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As stated in [redacted] letter, we have no record that [redacted] was ever an employee of the Office of Strategic Services. [redacted] did call Mr. Pforzheimer repeatedly in connection with the Office of Strategic Services' records, and based on our search of the records he was told on each occasion that we had no information about any service performed by him with the Office of Strategic Services.

Very truly yours,

John S. Warner
Legislative Counsel

cc: Asst to DCI (Grogan)
Director of Security
General Counsel - *Sic. of Info. + Records*
Legislative Counsel chrono
subject w/basic

OGC:LRH:jeb

1. LPH M07 3
2. OGC file: Sec. 3

ER 9-7010/a

Professor Frank H. Jones
Department of Political Science
University of Utah
Salt Lake City, Utah

Dear Dr. Jones:

On behalf of Mr. Dulles, thank you for your letter of September 12.

First, a minor correction in your statements in paragraph 3 of your letter. As best we know, [redacted] never served or claimed to serve in the Central Intelligence Agency as such. His statements were made about service with the Office of Strategic Services, which was a war-time agency long since liquidated. We do have custody of some of the Office of Strategic Services' files, which as a group are still classified. Therefore, the information contained therein can be released only to people authorized to obtain it for a proper official purpose under conditions which will protect the classification. These rules would apply to whoever inquired, [redacted] included, but in his case it so happens that there is no information in the files available to us, as according to the records he was not an employee of the Office of Strategic Services.

As you can see from the above, we cannot give a categorical answer to your inquiry as to what steps will be taken in cases of this nature as each situation has to be handled in accordance with the particular facts involved.

Sincerely,

O/DCI [redacted] rc/19 Sep 57
Rewritten: OGC/LRH;jeb:mks 20 Sep 57
Rewritten: (for signature only)
[redacted] jmf 27 Sep 67

[redacted]
Assistant to the Director

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- 1 - FMC
- 1 - Col. Grogan
- 1 - Leg. Liaison Off.
- ✓ 1 - OGC - Sec. 3
- 1 - Dir. of Security
- 1 - EO, SSU

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1 - Reading

CONCUR:

Col. Grogan

Legislative Liaison Off.

LEGIB

General Counsel

Director of Security

25X1

C/Admin, FI/Plans

25X1

O/DCI/ rc/19 Sept

Rewritten: OGC/LRH:jeb:mks 20 Sept

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